

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

RICHARD WILLMES,

Petitioner,

v.

CHARLES DANIELS, Warden, and  
NATIONAL TOXICOLOGY  
LABORATORIES,

Respondents.

No. CV 07-606-ST

OPINION & ORDER

**MOSMAN, J.,**

On December 4, 2007, Magistrate Judge Stewart issued Findings and Recommendation ("F&R") (#12) in the above-captioned case recommending that Mr. Willmes's Petition for Writ of Habeas Corpus (#1) be GRANTED and that a judgment be entered requiring Respondent Daniels to RESTORE Mr. Willmes's good time credits and lost privileges immediately. Respondent Daniels filed a response indicating he had no objections (#13). I therefore construe the F&R as having no objections.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate

judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Stewart's recommendation, and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 5th day of February, 2008.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court